

1104.1 Conversion Exemptions

Timber operations conducted under this subsection shall be exempt from conversion permit and timber harvesting plan requirements of this article except no tree that existed before 1800 A.D and is greater than sixty (60) inches in diameter at stump height for Sierra or Coastal Redwoods, and forty-eight (48) inches in diameter at stump height for all other tree species shall be harvested unless done so under the conditions or criteria set forth in subsection 1104.1 (i).

Timber operations shall comply with all other applicable provisions of the Z'berg-Nejedly Forest Practice Act, regulations of the Board and currently effective provisions of county general plans, zoning ordinances and any implementing ordinances. The Notice of Conversion Exemption Timber Operations shall be considered synonymous with the term "plan" as defined in 14 CCR 895.1 when applying the operational rules and regulations of the Board.

(a) This conversion exemption is applicable to a conversion of timberland to a non-timber use only, of less than three acres in one contiguous ownership, whether or not it is a portion of a larger land parcel and shall not be part of a THP. This conversion exemption may only be used once per contiguous land ownership. No person, whether acting as an individual, acting as a member of a partnership, or acting as an officer or employee of a corporation or other legal entity, may obtain more than one exemption pursuant to this section in a five-year period. If a partnership has as a member, or if a corporation or any other legal entity has as an officer or employee, a person who has received this exemption within the past five years, whether as an individual or as a member of a partnership, or as an officer or employee of a corporation or other legal entity, then that partnership, corporation, or other legal entity is not eligible for this exemption. "Person," for purposes of this section, means an individual, partnership, corporation, or any other legal entity.

(1) A Notice of Conversion Exemption Timber Operations (notice) must be prepared by an RPF and submitted to the Director. The notice shall contain the following:

(A) The names, addresses, and telephone numbers of the timber owner, owner of the timberland to be converted, RPF, timber operator, and the submitter of the Notice of Conversion Exemption Timber Operations;

(B) Legal description of the area where the timber operation is to be conducted, showing section, township, range, county and assessor parcel number;

(C) Maps showing the ownership boundaries, the location of the timber operation, boundaries of the conversion, access routes to operation, location and classification of all watercourses, and landing locations;

(D) Incorporation of a signed and dated statement from the authorized designee of the County Board of Supervisors stating that the conversion is in conformance with all county regulatory requirements, including county public notice requirements. When counties do not have an authorized designee, the RPF shall certify that the county has been contacted and the conversion is in conformance with county regulatory requirements (this may be incorporated into the notice);

(E) Incorporation of a statement by the owner of the timberland to be converted;

1 1. certifying that this is a one-time conversion to non-timberland use,
2 2. certifying that after considering the owner's own economic ability to carry out the proposed
3 conversion and the feasibility evaluation required by 14CCR 1104.1(a)(6) that there is a "bona fide intent", as defined
4 in CCR 1100 (b), to convert, and
5 3. specifying what the non-timberland use will be after conversion, and
6 4. certifying and declaring under penalty of perjury that he/she whether acting as an individual,
7 acting as a member of a partnership, or acting as an officer or employee of a corporation or other legal entity, has not
8 obtained an exemption pursuant to this section in the last five years unless a waiver has been granted pursuant to
9 1104.1(a)(9); and

10 (F) signature of the submitter, timberland owner responsible for the conversion, the timber operator, and the
11 RPF.

12 (2) The following conditions apply to conversion exemption timber operations:

13 (A) All timber operations shall be complete within one year from the date of acceptance by the Director.

14 (B) All conversion activities shall be complete within two years from the date of acceptance by the Director
15 unless under permit by local jurisdiction. Failure to timely complete the conversion shall require compliance with
16 stocking standards of the PRC 4561 and stocking report requirements of Forest Practice Act and Board regulations.

17 (C) The RPF or supervised designee shall visit the site and flag the boundary of the conversion exemption
18 timber operation and flag any applicable WLPZs and equipment limitation zones.

19 (D) This section refers to slash and woody debris resulting from timber operations associated with
20 conversion exemptions. The timber operator shall be the responsible party for the treatment of logging slash and
21 woody debris. Responsibility for treatment of logging slash and woody debris may be assumed by the landowner,
22 provided that the landowner acknowledges in writing to the Director at the time of notice such responsibility and
23 specific slash and woody debris treatment requirements and timing.

24 1. Unless otherwise required, slash greater than one inch in diameter and greater than two feet
25 long, and woody debris, except pine, shall receive full treatment no later than April 1 of the year following its creation,
or within one year from the date of acceptance of the conversion exemption by the Director, whichever comes first.

2 2. All pine slash three inches and greater in diameter and longer than four feet must receive initial
treatment if it is still on the parcel, within 7 days of its creation.

3 3. All pine woody debris longer than four feet must receive an initial treatment prior to full
treatment.

4 4. Initial treatment shall include limbing woody debris and cutting slash and woody debris into
lengths of less than four feet, and leaving the pieces exposed to solar radiation to aid in rapid drying.

5 5. Full treatment of all pine slash and woody debris must be completed by March 1 of the year
following its creation, or within one year from the date of acceptance of the conversion exemption by the Director,
whichever comes first.

6 6. Full slash and woody debris treatment may include any of the following:

a. burying;

b. chipping and spreading;

c. piling and burning; or

d. removing slash and woody debris from the site for treatment in compliance with (a)-(b).

1 Slash and woody debris may not be burned by open outdoor fires except under permit from the appropriate fire
2 protection agency, if required, the local air pollution control district or air quality management district. The burning
must occur on the property where the slash and woody debris originated.

3 7. Slash and woody debris, except for pine, which is cut up for firewood shall be cut to lengths 24
4 inches or less and set aside for drying by April 1 of the year following its creation. Pine slash and woody debris which
is cut up for firewood shall be cut to lengths 24 inches or less and set aside for drying within seven days of its
creation. All treatment work must be completed prior to the expiration date for the conversion exemption.

5 8. Any treatment which involves burning of slash or woody debris shall comply with all state and
6 local fire and air quality rules.

7 9. This section does not supersede more restrictive treatments or time frames within a Forest
district or subdistrict.

8 (E) Timber operations may be conducted during the winter period. Tractor operations in the winter period
9 are allowed under any of the following conditions:

10 1. During dry, rainless periods where saturated soils conditions, as defined in 14 CCR 895.1, are
not present. Erosion control structures shall be installed on all constructed skid trails and tractor roads prior to sunset
if the National Weather Service forecast is a "chance" (30% or more) of rain within the next 24 hours.

11 2. When ground conditions in the conversion exemption area and appurtenant roads satisfy the
"hard frozen" definition in 14 CCR 895.1.

12 3. Over-snow operations where no soil disturbance occurs.

13 (F) No timber operations within a WLPZ unless specifically approved by local permit (e.g. County, City).

14 (G) The timber operator shall not conduct timber operations until receipt of the Director's notice of
15 acceptance. Timber Operations shall not be conducted without a valid on-site copy of the Director's notice of
16 acceptance of operations and a copy of the Notice of Conversion Exemption Timber Operations as filed with the
Director.

17 (H) No sites of rare, threatened or endangered plants or animals shall be disturbed, threatened or damaged
18 and no timber operations shall occur within the buffer zone of a sensitive species as defined in 14 CCR 895.1.

19 (I) No timber operations on significant historical or archeological sites.

20 (J) The RPF and the timber operator shall meet (on-site, or off-site) if requested by either party to ensure
21 that sensitive on-site conditions and the intent of the conversion regulations such as, but not limited to, slash
disposal, will be complied with during the conduct of timber operations.

22 (3) A neighborhood notification of conversion exemption timber operations shall be posted on the ownership visible
23 to the public by the RPF or supervised designee, at least 5 days prior to the postmark date of submission of the
notice of Conversion Exemption Timber Operations to the Director. The date of posting shall be shown on the
neighborhood notice. In addition, immediately prior to the submission of the exemption to the Director, the landowner
shall mail a letter to adjacent landowners within 300 feet of the boundaries of the exemption, and to Native
Americans, as defined in 895.1 notifying them of the intent to harvest timber. The mailed letter of notice and the
posted notice shall contain the following information on a form prepared by the RPF:

24 (A) the name, address and telephone number of the timberland owner, the timber operator, the agency of
the county responsible for land use changes and the designated representative; if any, and the RPF;

25 (B) the location of the project, parcel number, street address, section, township and range, and;

(C) a statement explaining that this is a conversion from timberland use to a new land use, what the new
land use will be, and that the maximum size is less than three acres.

(4) The Director shall determine if the Notice of Conversion Exemption Timber Operations is complete and accurate
within fifteen days from the date of receipt.

(A) If the Notice of Conversion Exemption Timber Operations is not complete and accurate it shall be
returned to the submitter identifying the specific information required. When found complete and accurate, the
Director shall immediately send a notice of acceptance of operations to the submitter.

(5) The timberland owner shall, within one month from the completion of conversion exemption timber operations,
which includes all slash disposal work, submit a work completion report to the Director.

1 (6) The timberland owner shall, using the services of an RPF to the extent the information required is within the
2 scope of professional forestry practice, provide information documenting that the conversion to the stated non-timber
3 use is feasible based upon, at a minimum, the following:

4 (A) the extent of the vegetation removal and site preparation required for the conversion;

5 (B) the suitability of soils, slope, aspect, and microclimate for the stated non-timber use;

6 (7) The Department shall provide for inspections, as needed, to determine that the conversion was completed.

7 (8) The notice shall expire if there is any change in timberland ownership.

8 (A) If the conversion has not been completed, the timberland owner on the notice shall notify the
9 Department of the change in timberland ownership on or before 5 calendar days after a change in
10 ownership.

11 (B) If operations have been conducted, but not completed under the exemption, the timberland owner on
12 the notice shall notify the new timberland owner at least 15 days prior to the sale of the timberland of
13 the requirements under 14CCR 1104.1(a)(8)(C).

14 (C) If operations have been conducted, but not completed under the exemption, the new timberland owner
15 shall :

16 1. submit a new notice, or

17 2. comply with the following:

18 a. harvest no additional timber;

19 b. meet stocking requirements of 14CCR 1104.1(a)(2)(B);

20 c. dispose of the slash created under the exemption activities according to 14CCR
21 1104.1(a)(2)(D);

22 d. provide erosion control for skid trails, roads, landings, and disturbed areas as required by
23 the Forest Practice Rules.

24 e. submit a report within 90 days of the change of timberland ownership that items a through
25 d above were completed.

(9) A timberland owner may request a waiver to the five-year limitation described in 14 CCR 1104.1(a). The Director may grant the waiver upon finding that one of the following conditions exist:

(A) 1. the construction of a building approved by the appropriate county/city permitting process is listed in the accepted Notice of Conversion Exemption Timber Operations as the non-timberland use after the conversion, and

2. the timberland owner demonstrates to the Director that substantial liabilities for building construction have been incurred on each conversion exemption that the timberland owner has received in the last 5 years at the time the waiver is requested, and

3. operations conducted on all exemptions issued to the timberland owner within the past 5 years, prior to the time the waiver is requested, have been conducted in a manner that meets or exceeds the intent of the Act and rules or any corrective work required by the Director has been satisfactorily completed.

(B) the change of ownership which caused the previous notice to expire was not the result of the sale of the timberland and the new timberland owner provides information demonstrating that the imposition of the 5-year limitation described in 14 CCR 1104.1(a) would impose an undue hardship on the timberland owner.

(C) the notice has expired and no operations have been conducted.

(D) The timberland owner provides an explanation and justification for the need of a waiver that demonstrates that the imposition of the 5-year limitation described in 14 CCR 1104.1(a) would impose an undue hardship on the timberland owner.

(b) Construction or maintenance of right-of-way by a public agency on its own or any other public property.

(c) The clearing of trees from timberland by a private or public utility for construction of gas, water, sewer, oil, electric, and communications (transmitted by wire, television, radio, or microwave) rights-of-way, and for maintenance and repair of the utility and right-of-way. The said right-of-way, however, shall not exceed the width specified in the Table of Normal Rights-of-Way Widths for Single Overhead Facilities and Single Underground Facilities and the supplemental allowable widths.

Nothing in this section shall exclude the applicable provisions of PRC 4292 and 4293, and 14 CCR 1250 through 1258 inclusive for fire hazard clearance from being an allowable supplement to the exempt widths.

(d) TABLE OF RIGHTS-OF-WAY WIDTHS FOR SINGLE OVERHEAD FACILITIES

(A single facility for overhead electric lines means a single circuit)

1	Utility	Size	Width
2	Electric (Overhead Distribution & Transmission Single Circuits)	0-33 KV	20'
3		34-100 KV	45'
4		101-200	75'
5		KV (pole)	
6		101-200	80'
7		KV (tower)	
8		201-300	125'
9		KV (tower)	
10		300 KV & above	200'
11		(tower)	
12	Telephone cable or open wire when underbuilt	All	30'
13	Communications (Radio, Television, Telephone & Microwave)	All	30'
14	Active or passive microwave repeater and/or radio sites	All	40'
15			
16	Microwave paths emanating from antennas or passive repeaters	All	20' from edges of antenna or passive repeater, and following centerline path.
17			
18	Radio & Television antennas	All	30' in all directions
19			
20	Telephone cable or open wire when underbuilt	All	30'

(e) The above right-of-way widths for above ground facilities shall be allowed supplemental clearances as follows:

(1) Equal additional rights-of-way for each additional facility, including these allowable supplemental clearances under this section.

(2) Additional clearance widths for poles and towers, and for conductor sway as provided in PRC 4292 and 4293, and 14 CCR 1250 through 1258 inclusive, as applicable.

(3) Additional clearance for removal of danger trees as defined in 14 CCR 895.1.

(4) Additional land area for substation and switch yards, material storage and construction camps with clearance for firebreaks, and security fencing.

(f) TABLE OF RIGHTS-OF-WAY WIDTHS FOR SINGLE UNDERGROUND FACILITIES

Utility	Size	Width
2Electric, Underground	4"-6" Conduit	50'
	More than 6" Conduit	60'
5Gas, Oil, Water & Sewer (Underground pipe)	6" diameter or smaller	50'
	Over 6"-12" diameter	60'
	Over 12"-24" diameter	75'
	Over 24" diameter	100'
9Penstocks, Siphons	All	100'
10Ditches and Flumes	All	150'
11Access Roads	All	Access road widths may be up to 14' with an additional 10' width at turnout locations, plus additional width for cuts and fills. Access roads shall be installed and maintained so as to comply with the stream protection requirements and erosion control requirements of the Forest Practice Act, related regulations, and the District Forest Practice Rules.

(g) The above right-of-way widths for underground facilities and penstocks, syphons, ditches and flumes shall be allowed supplemental clearances as follows:

(1) Additional width for cuts and fills.

(2) Removal of trees or plants with roots that could interfere with underground facilities, or with cuts and fills for installation.

(3) Additional clearance for removal of danger trees as defined in 14 CCR 895.1.

(4) For compressor, metering and control stations on natural gas pipelines; including firebreaks and security fencing:

(A) 450 foot width at one side of right-of-way and 500 foot length along the compressor stations.

(B) 300 feet x 300 feet on or alongside the right-of-way for metering and control stations.

(h) In-lieu practices for watercourse and lake protection zones as specified under Article 6 of these rules, exceptions to rules, and alternative practices are not allowed.

(i) Harvesting of large old trees shall only occur when:

1 (1) the tree is not critical for the maintenance of a Late Successional Stand and

2 (2) an RPF attaches to the exemption an explanation and justification for the removal based on the
3 RPF's finding that one or more of the criteria or conditions listed under subsection (A), (B), or (C) are met.
4 The requirements of (i)(2) need not be met if an approved management document; including but not limited
5 to a HCP, SYP, NTMP or PTEIR; addresses large old tree retention for the area in which the large old
6 tree(s) are proposed for removal and the removal is in compliance with the retention standards of that
7 document.

8 All trees to be harvested pursuant to this subsection shall be marked by an RPF prior to removal.

9 (A) The tree(s) is a hazard to safety or property. The hazard shall be identified in writing
10 by an RPF or professionally certified arborist;

11 (B) The removal of the tree(s) is necessary for the construction of a building as approved
12 by the appropriate county/city permitting process and as shown on the county/city approved site plan, which
13 shall be attached to the Notice of Exemption;

14 (C) The tree is dead or is likely to die within one year of the date of proposed removal, as
15 determined by an RPF or professionally certified arborist.

16 Authority cited: Sections 4551, 4553, 4584, 4604, 4611 and 4628, Public Resources Code. Reference: Sections
17 4512, 4513, 4628 and 4584, Public Resources Code.